

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:02CR66

UNITED STATES OF AMERICA

VS.

JOVANI ZAMORA

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ORDER

THIS MATTER is before the Court on the Defendant's "*forma pauperis* declaration" which the Court construes as an application to proceed on appeal without the prepayment of fees.

On May 25, 2007, the Court denied the Defendant's motion to modify his sentence and Defendant has now filed an appeal of that Order. The Federal Rules of Appellate Procedure provide that

[a] party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court. The party must attach an affidavit that:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

Fed. R. App. P. 24(a)(1). Although the Defendant has provided a summary of his prison account showing inability to pay, he has not stated the issues which he intends to present on appeal. Therefore, the undersigned cannot find that this appeal is taken in good faith.

The Defendant is notified that he may renew this motion with the Fourth Circuit Court of Appeals within thirty days of this Order.

IT IS, THEREFORE, ORDERED that the Defendant's "*forma pauperis* declaration" is construed as a motion to proceed on appeal in *forma pauperis*, and the same is hereby **DENIED**.

Signed: June 15, 2007



Lacy H. Thornburg
United States District Judge

